

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CALVIN JAMES,)
)
Plaintiff,)
)
v.) Case No. CV-25-199-D
)
USP POLLOCK S.I.S, et al.,)
)
Defendants.)

ORDER

Before the Court is United States Magistrate Judge Amanda Maxfield Green's Report and Recommendation [Doc. No. 8] filed pursuant to 28 U.S.C. § 636(b)(1). Judge Green recommends dismissing the action without prejudice for failing to file an in forma pauperis motion or, in the alternative, paying the filing fee.

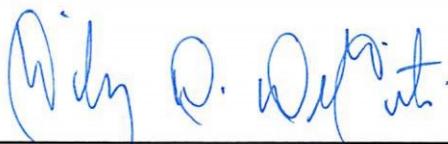
The case file shows no timely objection to the Report nor request for an extension of time, even though Plaintiff was informed of his right to object, the deadline for doing so, and the firm waiver rule. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).¹ Therefore, the Court finds that Plaintiff has waived further review of all issues

¹ A review of the docket reveals that, in this instance, Plaintiff likely did not respond because his address changed, and the Report and Recommendation was returned as undeliverable. *See Doc. Nos. 7, 9.* This, however, does not provide an adequate rationale by which to avoid the firm waiver rule. Plaintiff is responsible for notifying the court of any change of address. *See LCvR 5.4.* Moreover, “[p]apers sent by the Court will be deemed delivered if sent to the last known address given to the Court.” *Id.*

addressed in the Report. *See id.*; *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996).

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 8] is **ADOPTED** in its entirety. Plaintiff's action against Defendants is **DISMISSED** without prejudice. A separate Judgment shall be entered accordingly.

IT IS SO ORDERED this 28th day of April, 2025.



TIMOTHY D. DeGIUSTI
Chief United States District Judge